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OFFICE OF PETITIONS

In re Application of
Yuk Cheung Au et al.
Application No. 10/642,835
Filed: August 14, 2003
Attorney Docket No. P/4076-58

DECISION GRANTING PETITION

This is a response to the paper styled "REQUEST FOR A CORRECTED FILING RECEIPT" filed November 28, 2003 under 37 CFR 1.10, which is being treated as a submission under 37 CFR 1.6(e) requesting that the above-identified application be accorded a filing date of August 14, 2003, rather than the presently accorded filing date of August 18, 2003.

The USPTO is aware that a power outage on Thursday, August 14, 2003, resulted in a number of United States Postal Service (USPS) post offices throughout the Northeast and Midwest United States being closed or not accepting mail. As a result thereof, the Director of the USPTO designated the interruption in the service of the United States Postal Service (USPS) as a postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e) for the period beginning Thursday, August 14, 2003 through Saturday, August 16, 2003. See the notice entitled "United States Postal Service Interruption and Emergency," 1251 Off. Gaz. Pat. Office 55 (August 15, 2003).

The submission filed on November 28, 2003, states that the application was prepared, and intended to be filed by Express Mail service on August 14, 2003, and, but for the designated interruption in the USPS, electrical energy blackout in New York City, would have been filed and accorded that date as the "date-in." Under 37 CFR 1.10(a), correspondence received by the USPTO that was delivered by the "Express Mail Post Office to Addressee" service of the USPS is considered filed in the Office on the date of deposit with the USPS shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. Based on the submission filed on November 23, 2003, it is concluded that the present application would have been filed on August 14, 2003, if it were not for the designated interruption in the USPS.

Accordingly, the application will be accorded a filing date of August 14, 2003.

No petition fee is due and none has been charged.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 14, 2003 and for a corrected filing receipt.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.


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